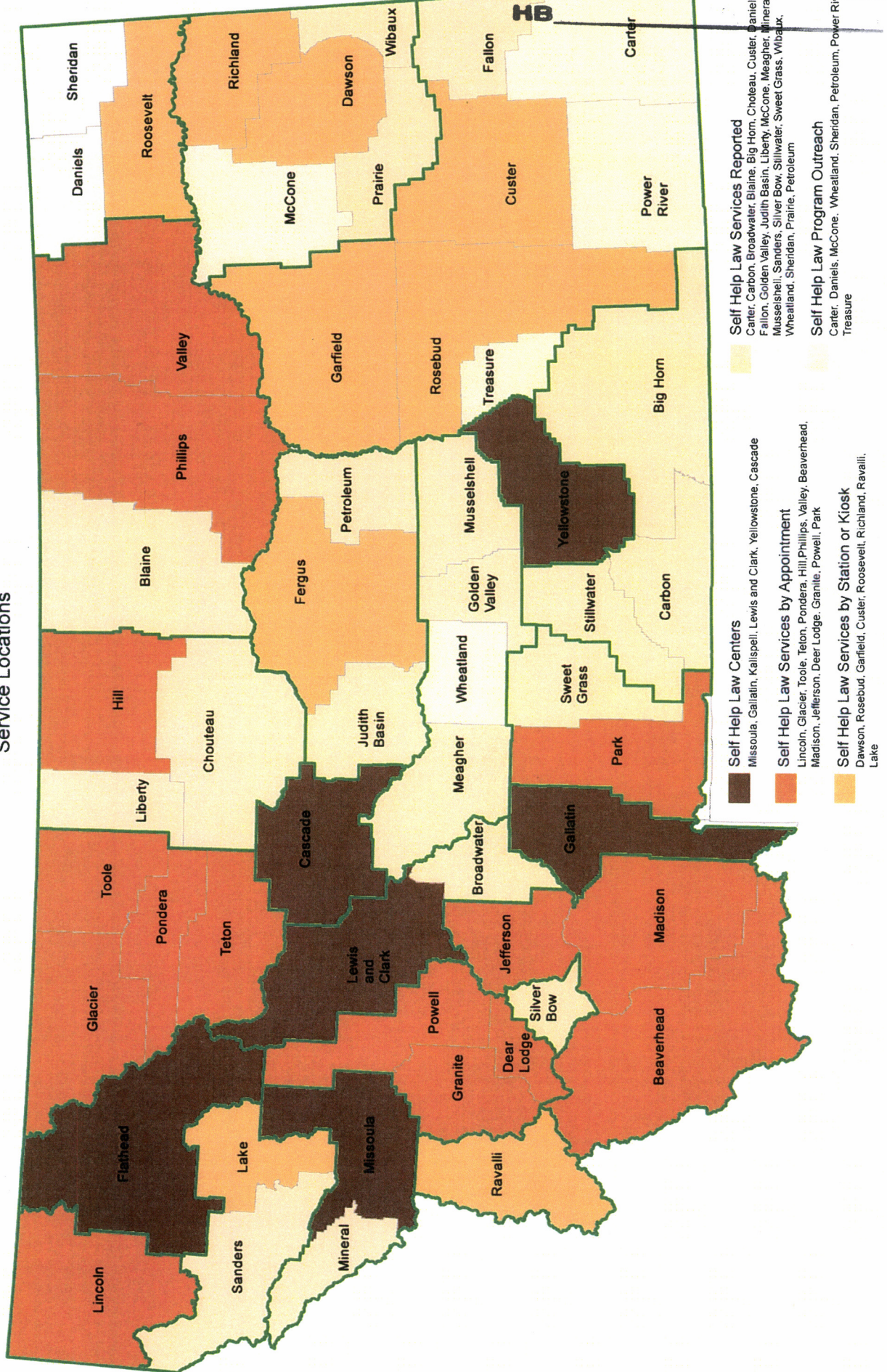


Court Help Program

Service Locations



EXHIBIT

7

DATE

2/5/2013

HB

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COURT HELP PROGRAM

Montana Judicial Branch

- The program, which was a product of the 2005 – 2006 Law and Justice Interim Committee, has been funded on a one-time-only basis since FY2008. Continuation of the program is contingent on funding from the 2013 Legislature.
- The Court Help Program provides tools and information to assist Montanans who do not have an attorney to navigate their way through the legal process in civil matters. The program also works to increase and support the pool of attorneys willing to provide free (pro bono) legal services to low-income Montanans. Services are provided in all parts of the state.
- The number of litigants representing themselves in court is one of the biggest challenges facing courts today. Self-represented litigants take more of the judge's time, are generally not educated about legal matters and may clog the court docket. Providing tools to allow for quicker resolution of cases and meaningful access to the court to resolve legal matters is essential. In certain case types, an average of 60% of cases involves at least one of the parties representing him/herself. It rises as high as 78% in some counties with certain case types.
- The Court Help Program primarily provides services to low to moderate income Montanans but services are not limited by income. Any person facing a civil legal issue can access services through the project. To date, more than 30,000 contacts have sought assistance from a center.
- The program has partnered with non-profit and private groups to greatly expand services through grants and volunteer programs. A partnership with Montana Legal Services Association has more than tripled the service capacity through the addition of 6 AmeriCorps service volunteers.

Program Components and Accomplishments

- ❖ **Full-time Self-Help Law Centers.** Two full-time self-help law centers are open, one in Flathead County and another in Yellowstone County. Each is staffed by an employee and volunteers -- college interns, community volunteers, and AmeriCorps members -- who assist people with finding legal forms and legal information.
- ❖ **Part-time Self-Help Law Centers.** Four centers, staffed by AmeriCorps volunteers and part-time employees, are operating in Bozeman, Great Falls, Missoula and Helena. AmeriCorp members assigned to Bozeman, Great Falls and Helena provide outreach services to rural communities on a routine basis.

- ❖ **Rural Services.** Through the AmeriCorps collaboration with the Montana Legal Services Association and Montana Attorney General's Office, the Court Help Program has six AmeriCorps members who travel and provide services to rural counties.
- ❖ **Legal Forms.** Through a partnership with the Montana Legal Services Association, user-friendly, plain language legal forms and instructions have been developed to assist self-represented litigants. Forms and instructions for name changes, emancipation, stepparent adoption, modification of parenting plans, and landlord tenant actions have been completed and posted on public websites. Forms are free and available for anyone.
- ❖ **Montana Attorneys for Montana Veterans.** In partnership with the University of Montana School of Law, the Court Help Program developed a pro bono program to assist veterans with disability benefits claims before the Veterans' Affairs Board. The program has also coordinated pro bono legal services and pro se services at veterans' stand down programs throughout Montana.
- ❖ **Library Partnership.** The Court Help Program and State Law Library are working with the State Library to provide Montana public libraries with the tools, training, and support they need to assist library users who are experiencing legal problems.
- ❖ **Local Pro Bono Programs.** The Court Help Program has worked extensively with judges to encourage judicial involvement in developing and sustaining pro bono programs throughout the state. In 2011, a total of 149,284 hours spent in pro bono services was reported by licensed attorneys. This represents a 25% increase in hours reported since 2009.
- ❖ **Appellate Pro Bono Program.** In partnership with the Supreme Court and the State Bar, the legal services developer spearheaded the development of a pro bono program for low-income litigants with a case before the Supreme Court.
- ❖ **Family Law Materials.** Together with the Yellowstone County Bar Family Law Project, the Court Help Program developed and completed a *Family Law for Non-Lawyers* DVD. The material -- made available to all district courts -- provides a solid primer for individuals who have to represent themselves in family law matters.
- ❖ **Attorney Rules.** The legal services developer was instrumental in developing the rules issued by the Supreme Court allowing attorneys to represent clients in limited or discrete manner. The rule change allows a person to secure an attorney for a specific task thus reducing the cost of representation and increasing the number of people with representation in court.
- ❖ **Performance Measures.** The program was a pilot project for the Legislative Finance Committee's performance measurement project. An updated report is attached.

Judicial Branch Court Help Program Performance Measures Summary January 2013 Update

Current Program Status

Court Help operates Self-Help Law Centers in six communities with outreach to 24 surrounding counties. Services are provided by limited paid staff, AmeriCorps service members and volunteers. The Court Help legal services developer continues efforts directed at increasing the number of pro bono attorney services provided to self-represented litigants.

To measure program effectiveness, the Court Help Program conducted surveys of various stakeholders in May 2012. In December 2012, a second survey was conducted to update and verify the earlier survey results. Measurement one evaluated the impact of the Self Help Law Centers, while measurement two examined the ongoing results of free legal services in the 13th Judicial District.

The quicker timeline resulted in several survey changes. In May 2012, clerks also had deputy clerks respond to the survey but the updated survey was not shared with deputies resulting in responses from fewer clerks. However, more judges responded in December.

The December survey further validates the positive impact of the Court Help Program in assisting self-represented litigants to effectively access the courts while enhancing the ability of the clerks and courts to process cases. Judges, judicial staff, clerks of court and volunteer attorneys report a continuing high level of satisfaction and positive impact from the program. Comments indicate significant concern if the program were to cease operations in June.

Since its inception in 2007, the self-help component of the program has served approximately 30,000 contacts (individuals may seek services more than once). In calendar year 2011, Montana attorneys reported providing a total of 114,546 pro bono hours

Performance Measure One was designed to determine if Court Help Self Help Law Centers effectively assist litigants in finding the correct paperwork and improving litigants' understanding of the legal process thus improving the courts' ability to manage the cases efficiently.

The December 2012 survey sought the observations of all district courts clerks and judges (or judicial staff) in judicial districts with self-help services in addition to the six counties in the May survey. The survey asked for general observations comparing the quality of paperwork submitted by self-represented litigants who received services from a center and those who have not. The survey also asked for general observations about whether center assistance improves litigants understanding of the legal process and the court's ability to process the cases.

Overall satisfaction with the services remains high. A higher number of judges and clerks were

able to recognize when a litigant received services from a center. In general, the judges' responses in specific categories were more positive than the May survey. Clerk responses were slightly lower in some categories but remained very positive.

District Court Judges' Responses:

A total of 25 judges (or judicial staff) responded to the December 2012 survey. Only 19 judges responded in May. Eighteen of the surveyed judges could identify when a litigant received court help services compared to only sixteen judges in May. Of the eighteen judges who could identify when a litigant received court help services a very large majority (86%) of the judges and judicial staff were able to identify a difference in the level of preparedness compared to litigants with no assistance.

Differences identified include (May numbers are in parenthesis):

- 100% note the litigant's filing contains all required documents. (88%)
- 94% note the litigant has completely filled out legal forms. (93%)
- 72% note the litigant is prepared for court hearings. (68%)
- 72% note the litigant has complied with local rules and filing requirements. (62%)
- 67% note the litigant has an enhanced understanding of the legal process. (50%)
- 61% note the litigant has filed paperwork in the correct order. (75%)

Judges also noted:

- Where the litigant received Court Help services, clerks spend less time discussing filing requirements with the litigant (81% "agree" or "strongly agree"). This is an 8% increase compared to May 2012.
- Where the self-represented individual received Court Help Program services, litigants make fewer unsuccessful attempts at filing documents (86% "agree" or "strongly agree"). This is a 7% increase compared to May 2012.

Judges provided other general comments including (*comments are paraphrased*):

- Our domestic relations/parenting case load has increased substantially in the past few years, often due to economic stress within the family, which also adversely affects their ability to retain counsel, thereby, without access to the Court Help Program, resulting in a chaotic increase in the court's caseload and time consumption.
- The folks that Court Help serves can at times be very demanding and confused, and it takes great patience to effectively assist them. There also is a huge learning curve for Court Help staff and continuity of staff is vitally important for the program to be successful.
- These services have been, or and will continue to be, crucial for many low and middle income litigants to access the court system and receive justice and procedural fairness.
- A good bang for the buck.
- We regularly refer people. I think it is a necessary program. We need all the help we can get.

Clerks of District Court Responses:

A total of 26 clerks responded to the survey; 44 clerks responded in May so the survey size is smaller. Almost all clerks (90%) were able to identify a difference in the level of preparedness when a self-represented litigant received Court Help services. The December survey noted a 20 percent increase in clerks who could tell a litigant sought services from the program and was better prepared.

Differences identified include (May numbers are in parenthesis):

- 89% note the litigant's filing contains all required documents. (93%)
- 78% note the litigant has completely filled out legal forms. (89%)
- 61% note the litigant has complied with local rules and filing requirements. (58%)
- 55% note the litigant has filed paperwork in the correct order. (69%)
- 38% note the litigant has an enhanced understanding of the legal process. (42%)
- 28% note the litigant is prepared for court hearings. (39%)

Clerks also noted:

- Where the litigant received Court Help services, clerks spend less time discussing filing requirements with the litigant (73% "agree" or "strongly agree" while 21% somewhat agree). This is a 21% increase in clerk observation of litigant efficiency compared to May 2012.
- Where the self-represented individual received Court Help Program services, litigants make fewer unsuccessful attempts at filing documents (75% "agree" or "strongly agree" while 25% "somewhat agree"). This is a 23% increase compared to May 2012.

Clerks provided other general comments including (*comments are paraphrased*):

- Documents are much easier to read. Litigants receiving Court Help Services are less stressed.
- The self-represented litigant has created serious back-log for the judiciary causing delays during court proceedings, delays in timely customer service at the Clerks' offices, and raised level of frustration among the members of the Bar Association. Court Help Program services help to lessen these problems. Without this assistance, the judicial system is rendered handicapped to a level beyond belief. The self-represented litigant has completely changed the manner in which judges and lawyers perform their jobs. The Clerks' offices are now a social service provider within the judiciary.
- Litigants understand that we cannot give them any legal advice and are less frustrated when they are in the office.

Performance Measure Two was designed to measure pro bono services in the 13th Judicial District. Law & Motion Clinics with pro bono attorney services were conducted monthly and included only self-represented litigants seeking dissolutions and/or permanent parenting plans. The initial survey results were for five clinics conducted January through May of 2012 and involved 159 self-represented litigants.

The 13th Judicial District Court continued the Law & Motion Clinics after the initial five-month pilot. The Clinics continue and represent a successful completion of 12 Clinics with 394 domestic relations cases passing through the clinics.

Responses continued to be very positive:

- Availability of Law & Motion Clinic for self-represented litigants greatly improved the efficiency in preparing for hearings.
 - 100% of Clerks indicated availability of Law & Motion Clinic greatly improved the efficiency in preparing for hearings.
- The efficiency and completeness of documents of self-represented family law litigants when returning to the Clerk's office after their hearing.
 - 100% of Clerks indicated efficiency and completeness were greatly or somewhat improved.
- The preparedness of self-represented family law litigants to file final documents, collect needed copies, and understand the effect of those documents.
 - 100% of Clerks indicated preparedness and understanding were greatly or somewhat improved
- The time and efficiency value of the Law & Motion Clinic to you and your staff.
 - 100% Clerks indicated efficiency was greatly or somewhat improved resulting in substantial time savings.
- 100% of responding judges indicated the sufficiency, completeness and accuracy of self-represented litigants' final documents presented to the court after attending the Law & Motion Clinic as compared to previous final documents of non-assisted self-represented litigants was greatly improved.
- 100% of responding judges indicated that self-represented family law litigants were much more prepared for hearing after a clinic.
- 75% indicated time and efficiency value of the Law & Motion Clinic was greatly improved resulting in measureable time savings while 25% of responding judges indicated time and efficiency value of the Law & Motion Clinic to judges and staff was somewhat improved resulting in measureable time savings.

- 100% of responding judges anticipate substantially fewer self-represented litigants will seek revision of an order as a result of errors prevented by the Law & Motion Clinic.
- Volunteer assistance at the Law & Motion Clinic increased the quality, accurateness and completeness of final documents for litigants (with attorney assistance):
 - 100% indicated attorney involvement greatly or somewhat improved the quality, accurateness and completeness of final documents for all litigants they assisted.
- Volunteers believe the Law & Motion Clinic increased, in general, the preparedness of the self-represented litigant in a
- hearing:
 - 75% of attorneys indicated their involvement greatly improved the quality, accurateness and completeness of final documents for the litigants they assisted
 - 15% of attorneys indicated their involvement somewhat improved the quality, accurateness and completeness of final documents for the litigants they assisted.
 - 10% of attorneys were not certain if their assistance improved the preparedness.
- Volunteers identified inaccuracies, errors or incomplete final documents or case procedure for litigants. The platform of the Law & Motion Clinics changed after the initial 5-month pilot period. In the succeeding months, volunteers assisted litigants in groups divided by case type and utilized a prepared slide show to more clearly identify form blanks and proper responses. The December 2012 survey of volunteers was fashioned to determine if they believed their assistance prevented a litigant from otherwise completing the forms incorrectly.
 - 100% of the volunteers believed the assistance provided at the Clinic prevented at least one error for every litigant.

The December 2012 survey further demonstrates the continued effectiveness of the Court Help Program in improving court efficiency, access to Montana courts by self-represented citizens, and enhanced sense that the court system can fairly resolve legal disputes in timely manner.

